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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, SEPTEMBER 15, 2003 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                    PLEDGE OF ALLEGIANCE.

**SPECIAL ORDER OF BUSINESS**

ITEM-30:    Scripps Institution of Oceanography 100<sup>th</sup> Anniversary Week.

**MAYOR MURPHY'S AND COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-276)

Recognizing Scripps Institution of Oceanography for its 100 years of exploration, discovery, and service to the world's inhabitants;

Proclaiming September 22-26, 2003 to be "Scripps Institution of Oceanography 100<sup>th</sup> Anniversary Week" in the City of San Diego.

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

## **CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 50.

ORDINANCES TO BE INTRODUCED, WITH RESOLUTIONS TO BE ADOPTED:

Item 60.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, and 108.

## **ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-50: Commercial Refuse Collection Hours of Operation.

(Downtown Community Area. District-2.)

## **CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/2/2003. (Council voted 9-0):

(O-2004-15)

Amending Chapter 8, Article 5, of the San Diego Municipal Code by deleting Section 85.01(e), relating to Commercial Refuse Collection Hours of Operation.

## **ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCE TO BE INTRODUCED, WITH RESOLUTION TO BE ADOPTED:

\* ITEM-60: Global Records Disposition Schedule.

(See City Clerk Report No. 03-03.)

**CITY CLERK'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-150)

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 26, by amending Sections 22.2604 and 22.2605, all relating to Procedures Governing the Management of the City Records.

Subitem-B: (R-2004-218)

Adopting the Global Records Disposition Schedule as set forth in the City Clerk's Report Number 03-03, dated August 14, 2003, to the Honorable Mayor and City Council.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-100: Sewer Easement Set-Aside on City-Owned Land - Sewer Pump Station 79 Improvements.

(Fairbanks Country Club Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-261)

Setting aside certain sewer easements on City-owned portions of Lots 1 and 2 of Fairbanks Country Club Unit No. 1, Map No. 10730, filed in the Office of County Recorder of San Diego County on September 29, 1983, as File No. 83-349239 of Official Records, and a new sewer easement in a portion of said Lot 2 depicted on City Engineer's Drawing No. 20078-B, for public utility purposes;

Authorizing the expenditure of an amount not to exceed \$2,000 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station Restoration, for staff labor and other charges related to the sewer easement set-aside.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego plans to upgrade Sewer Pump Station 79 located on City-owned land northeast of the intersection of El Camino Real and San Dieguito Road in the vicinity of the Fairbanks Country Club.

This action approves necessary documentation to set-aside sewer easements on City-owned portions of Lots 1 and 2 of Fairbanks Country Club Unit No. 1, Map No. 10730, required for the Pump Station 79 Improvements Project (CIP-46-602.6). Additionally, the action authorizes funding not to exceed \$2,000 to cover staff labor charges and other miscellaneous costs related to the easement set-aside.

**FISCAL IMPACT:**

Funding in the amount of \$2,000 to cover staff labor charges and miscellaneous costs is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station Restoration for this purpose.

Herring/Griffith/SAC

Aud. Cert. 2400252.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-101: Palm Avenue Accelerated Sewer Project - Easement Exchange.

(Otay Mesa - Nestor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-262)

Authorizing the City Manager to execute quitclaim deeds and accept easements deeds, as necessary to complete the exchange of sewer easements depicted on City Engineers Drawing 20006-B, required for the realignment and construction of the Palm Avenue Accelerated Sewer Project;

Authorizing the expenditure of an amount not to exceed \$8,000 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation-Emergency Construction, for labor and other acquisition costs related to the exchange of easements for the Palm Avenue Accelerated Sewer Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The Palm Avenue Accelerated Sewer Project upgrades a section of deteriorated sewer main between Saturn Boulevard and 16<sup>th</sup> Street in the community of Nestor.

As a part of the construction project a portion of the existing sewer main crossing a property at 1674 Palm Avenue must be realigned to connect at a new location on the existing trunk sewer line serving Sewer Pump Station 9A.

This action approves an exchange of easements required to realign the pipe. The sewer easement areas being exchanged are of comparable size and value. The property rights being exchanged are at no cost to either party. However, an amount not to exceed \$8,000 is being authorized to cover staff labor and other charges related to the exchange.

**FISCAL IMPACT:**

Funding in an amount not to exceed \$8,000 to cover staff, labor charges, and other related costs is available in Sewer Fund 41506, CIP-46-206.0, Annual Allocation Emergency Construction for this purpose.

Herring/Griffith/SAC

Aud. Cert. 2400253.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-102: Sewer Pump Station 39 - Easement Acquisition.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-260)

Authorizing the City Manager to accept an Easement Deed executed by the San Diego Unified Port District. Conveying to the City of San Diego a sewer easement across a portion of San Diego Unified Port District's real property, as depicted on City Engineering Drawing 19742-1-B, for the Sewer Pump Station 39 Rehabilitation Project, CIP-46-603.1;

Authorizing the expenditure of an amount not to exceed \$10,500 from Sewer Fund 41506, CIP-46-106.1, Annual Allocation - Sewer Pump Station Restorations, for staff labor and other miscellaneous charges associated with the acquisition of

additional sewer easement rights required for the Sewer Pump Station 39 Rehabilitation Project, CIP-46-603.1.

**CITY MANAGER SUPPORTING INFORMATION:**

The City's Sewer Pump Station 39 Rehabilitation Project CIP-46-603.1 proposes upgrades to an existing sewer pump station on Shelter Island located within the San Diego Unified Port District Tidelands. In order to make the necessary upgrades a small amount of additional sewer easement area is required from the Port.

This action authorizes the City Manager to accept an Easement Deed from the San Diego Unified Port District for the additional easement area required to upgrade the pump station. Additionally, while there is no cost to the City for the actual property rights being acquired, an amount not to exceed \$10,500 is being requested to pay accumulated staff labor charges and miscellaneous costs associated with the acquisition.

**FISCAL IMPACT:**

Funds in the amount of \$10,500 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations to cover accumulated staff labor charges and miscellaneous costs associated with the acquisition of the property rights.

Herring\Griffith\SAC

Aud. Cert. 2400249.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-103: Resolution in Support of The Immigration Museum of New Americans.

(See memorandum from Mayor Murphy dated 6/11/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-274)

Recognizing The Immigration Museum of New Americans importance as a priority in San Diego.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**



On 9/3/2003, RULES voted 5 to 0 to approve the proposed resolution. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-104: Second Amendment to Agreement Between the City of San Diego and San Dieguito River Park Joint Powers Authority.

(Districts-1 and 5.)

**COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-266)

Authorizing the City Manager to execute a Second Amendment to Joint Exercise of Powers Agreement between the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach Creating the San Dieguito River Valley Regional Open Space Park Joint Powers Authority.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-105: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1434)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, CONSENT ITEMS**

RESOLUTIONS:

- \* ITEM-106: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-119)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS**

RESOLUTIONS:

- \* ITEM-107: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-85)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**ADOPTION AGENDA, CONSENT ITEMS**

## RESOLUTIONS:

- \* ITEM-108: Declaring a Continued State of Emergency due to Severe Shortage of Affordable Housing in the City.

## **TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1428)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

## **ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

### **COMMITTEE ON LAND USE AND HOUSING, RESOLUTIONS:**

- ITEM-150: Two actions related to Mira Mesa FY 2004 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-03-169; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004 Draft. Mira Mesa Community Area. District-5.)

## **TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-198)

Approving the document titled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004, July 2003 Draft."

Subitem-B: (R-2004-199)

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing thereon.

## **LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 9/3/2003, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Peters, Atkins, Lewis, and Frye voted yea. Councilmember Zucchet not present.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCE TO BE INTRODUCED, WITH RESOLUTION TO BE ADOPTED:

ITEM-200: Two actions related to Refunding of the 1994 San Diego Open Space Park Facilities District No. 1 Refunding Bonds.

(See City Manager Report CMR-03-180.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem-A and adopt the resolution in Subitem-B:

Subitem-A: (O-2004-25)

Introduction of an Ordinance pledging certain amounts paid into the Environmental Growth Fund to Debt Service on San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2003; approving a form of Paying Agent Agreement and authorizing the appointment of a Paying Agent.

Subitem-B: (R-2004-272)

Authorizing the issuance and sale of not to exceed \$36,000,000 principal amount of San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2003, prescribing the terms and forms of said bonds; fixing the maximum rate of interest on said bonds; authorizing the execution of said bonds; providing for the application of certain moneys pledged by the City of San Diego to pay the principal and interest thereof and the levy of tax by the District in the event that moneys pledged by the City of San Diego are insufficient therefor; prescribing the terms of sale of said bonds; Continuing Disclosure Agreement, Notice Inviting Bids, Notice of Intention to Sell Bonds, Declaration of Award and Escrow Agreement; and authorizing the execution of necessary certificates.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-250: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that proposals shall be submitted to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the Tuesday, March 2, 2004 election:

| <u>DAY</u> | <u>DATE</u>           | <u>DAYS<br/>BEFORE<br/>ELECTION</u> | <u>EVENT</u>   |
|------------|-----------------------|-------------------------------------|--|
| Friday     | 9/26/2003             | 158                                 | LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee |
| Wednesday  | 10/1/2003             | 153                                 | Rules Committee review   |
| Monday     | 10/27/2003            | 127                                 | Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee   |
| Monday     | 11/03/2003            | 120                                 | Council adopts propositions for ballot & directs City Attorney to prepare ordinances   |
| Monday     | through<br>11/17/2003 | to<br>106                           |  |
| Monday     | 11/24/2003            | 99                                  | Council adopts ordinances prepared by City Attorney  |
| Friday     | 12/05/2003            | 88                                  | Last day for City Clerk to file with Registrar of Voters <u>all</u> elections material   |
| Thursday   | 12/18/2003            | 75                                  | Last day to file ballot arguments with City Clerk.   |

If you have any questions, please contact the Office of the City Clerk, 533-4025.

#### NON-DOCKET ITEMS

#### ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

#### ADJOURNMENT



## THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: July 30, 2003 REPORT NO. 03-169

ATTENTION: Land Use & Housing Committee  
Agenda of August 6, 2003

SUBJECT: Mira Mesa Public Facilities Financing Plan and Facilities Benefit  
Assessment - Fiscal Year 2004

REFERENCE: "Mira Mesa Public Facilities Financing Plan and Facilities Benefit  
Assessment" - July 2003

### SUMMARY

Issue - Should the Council: 1) approve a Public Facilities Financing Plan for FY 2004 for the Mira Mesa Community; 2) adopt a Resolution of Intention to designate an area of benefit for a Facilities Benefit Assessment (FBA) in the Mira Mesa Community Planning Area; 3) adopt a Resolution of Designation; and 4) approve the setting of Development Impact Fees (DIF) consistent with the FBA in the Mira Mesa Community.

Manager's Recommendation - Approve the Mira Mesa Public Facilities Financing Plan - July 2003; the Resolution of Intention for designation of an area of benefit in Mira Mesa; the Resolution of Designation; and Development Impact Fees for development in Mira Mesa that has not paid an FBA.

Other Recommendations - The Mira Mesa Planning Group, at their meeting of July 21, 2003, reviewed the financing plan and assessments and unanimously recommended approval.

Environmental Impact - None by this action.

Fiscal Impact - Adoption of this Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the required public facilities.

Business Impact Statement - The assessments in the Mira Mesa Community have been increased by fifteen percent. This includes the five percent anticipated rate of inflation which would automatically go into effect if no update was done. It is anticipated that this increase should have little economic impact on development in the Mira Mesa Community.

## BACKGROUND

Council Policy 600-36 calls for an annual review of all existing Facilities Benefit Assessments. The proposed FY 2004 Financing Plan incorporates the annual review and will serve as the basis for the FY 2004 Capital Improvement Program as it pertains to programming FBA funds in the Mira Mesa Community through FY 2025. The existing Mira Mesa Public Facilities Financing Plan and FBA was approved by Council on June 11, 2002, by Resolution R-296653. This Public Facilities Financing Plan and Facilities Benefit Assessment revises and updates the FY 2002 plan.

## DISCUSSION

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of the Mira Mesa Community which is presently estimated to be by the year 2025. Mira Mesa is a partially developed community with a portion of the community facilities and infrastructure already in place. The remaining needed facilities are in the transportation and park categories. Changes from the current Financing Plan include: increasing the assessment rates a total of 15 percent due to increases in actual construction costs being experienced throughout the City; anticipated annual inflation; advancing and/or delaying various projects in the plan due to changes in project priorities. Changes are detailed on Pages 1, 2, and 3 of the proposed Facilities Financing Plan.

The revised Financing Plan identifies a total project need of \$193,002,188. Of this amount \$89,007,645 or 46 percent will be provided by subdividers, \$19,439,110 or 10 percent will come from other sources including City, CALTRANS, Metropolitan Transit Development Board (MTDB), Federal Surface Transportation Program (FSTP), or previously collected park fees. The remaining \$84,555,433 or 44 percent will be provided by assessments to be collected at the time building permits are issued.

The proposed assessments for Mira Mesa in FY 2004 are:

|                             |           |
|-----------------------------|-----------|
| Single Family Dwelling Unit | \$ 13,142 |
| Multi-Family Dwelling Unit  | 9,199     |
| Commercial Acre             | 81,345    |
| Industrial Acre I2          | 28,516    |
| “ I4                        | 31,013    |
| “ I5                        | 24,706    |
| “ I6                        | 37,322    |

Council has previously directed that the same assessment rates are appropriate development

impact fees for all underdeveloped properties in the Mira Mesa Community that have never been assessed or otherwise agreed to pay Facilities Benefits Assessments. Therefore, it is recommended that the above proposed FY 2004 assessments be adopted as Development Impact Fees for Mira Mesa.

The proposed Facilities Benefit Assessment is based on current costs of facilities to be funded under this program, increased by 10 percent as well as by an inflation factor of 5 percent to the year of construction. The costs of the facilities are then apportioned equitably among the undeveloped parcels within the Area of Benefit. The objective of the FBA program is to ensure that funds will be available in sufficient amounts to construct community facilities when scheduled. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Mira Mesa.

The proposed Resolution of Intention will set a date for a public hearing on the Facilities Benefit Assessment. Prior to the public hearing, mailed notice will be given to all property owners within the proposed area of designation indicating the date of the hearing and their right to file a protest with the City Clerk. Notice will also be given by publication of the Resolution of Intention in the City's official newspaper. Unless overruled by a four-fifths vote of the Council, written protests by owners of more than one-half of the area of the property proposed to be included within the Area of Benefit shall cause the proceedings to be abandoned.

#### ALTERNATIVES

Do not approve the proposed Financing Plan and Facilities Benefit Assessment and Development Impact Fee Schedule. This is not recommended because the new fees ensure that new development contributes its proportional share for facilities identified in the Community Plan. In the absence of these fees, alternative funding sources would have to be identified to fund new development's share of the identified facilities.

Respectfully submitted,

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S. Gail Goldberg, AICP  
Planning Director

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Approved: P. Lamont Ewell  
Assistant City Manager

GOLDBERG/GM

Note: The attachment is not available in electronic format. A copy is available in the Office of the City Clerk.

Attachment: Draft FY 2004 Mira Mesa Public Facilities Financing Plan - July 2003.

Note: Due to the size of the attachment, only a limited distribution was made. A copy is available for review in the Office of the City Clerk.